

REMARKS

Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Claims 1-26 were previously pending in this application. Within the Office Action, claims 1-26 have been rejected. No claims are amended, added, or canceled. Accordingly, claims 1-26 are currently pending.

Rejections Under 35 U.S.C. § 102

Claims 1-14, 17-24, and 26 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0064757 to Yamadera et al. (hereinafter “Yamadera”). Applicants respectfully traverse this rejection.

Claim 1 is directed to a menu-driven electronic device comprising: a.) a display configured to selectively display one of a plurality of menus, including a main menu and a sub-menu; and b.) a two-dimensional navigation key configured to select one of a plurality of main menu items of the main menu and to select a sub-menu item of the sub-menu associated with a selected main menu item (emphasis added).

Within the Office Action, the Examiner cites Figure 1, cursor key 4 of Yamadera as teaching the claimed two-dimensional navigation key. The Applicants previously argued that the cursor key 4 of Yamadera is a three-dimensional key, and specifically used the term “pushbutton” as a manner of describing the third dimension functionality. The term “pushbutton” is the term used by Yamadera (Yamadera, paragraph [0042]), and is not intended to define the third dimension of a three-dimensional navigation key as any action that “presses”, as is concluded by the Examiner in the Response to Arguments section. Specifically, in the Response to Arguments section, the Examiner contends that the use of the term “pressing” in the Applicants’ specification constitutes the same third dimension functionality as the pushbutton of Yamadera. The Applicants disagree with this conclusion.

The present application explicitly defines the operation of, and the differences between, a two-dimensional navigation key and a three-dimensional navigation key. Page 2, lines 2-6 of the present application state the following:

“This document uses a ‘two-dimensional navigation key’ to mean a four-way key having four sets of contacts, such as found on electronic games for navigating up, down, left and right in the usual manner. This document uses ‘three-dimensional navigation key’ to mean a navigation key

similar to a two-way key also having a fifth set of contacts which are activated by pressing on the navigation key in approximately the center.”

The Examiner attempts to differentiate the act of “toggling” or “selecting” with the act of “pressing”, and cites the Applicants specification on page 3, line 25 to page 4, line 7. However, such a differentiation does not make sense in the context of the above defined two-dimensional navigation key and the three-dimensional navigation key. “Selecting” or “toggling” the left, right, up, or down portion of the navigation key is the exact same as “pressing” the left, right, up, or down portion. The navigation key functions by contacting one of the contact points under the navigation key. One contact point under the left portion of the navigation key, one contact under the right portion of the navigation key, and so on. Only by “pressing” the left portion of the navigation key, for example, is proper contact made with the corresponding contact point, thereby initiating the corresponding functionality on the display screen, which in this example moves the cursor to the left. This is well known in the art. Accordingly, there is no difference between “pressing” the left portion, for example, or “selecting” the left portion, or “toggling” to the left portion. Each refers to making contact with the contact point corresponding to the left portion of the navigation key. The two-dimensional key includes the above mentioned four contact points corresponding to the left, right, up, and down portions of the navigation key. The three-dimensional navigation key includes an additional fifth contact point, typically positioned in the center of the navigation key. A two-dimensional navigation key and a three-dimensional navigation key are not interchangeable. In fact, implementation of a two-dimensional navigation key instead of a three-dimensional navigation key requires a significantly different menu-driven functionality, to which the present claims are directed.

According to paragraph [0042] of Yamadera, the curser key 4 is moved in one of four directions (up, down, left, right) to scroll through menu items on the display menu 10a. This implies four separate contact point, one contact point corresponding to each of the up, down, left, and right directions. The curser key 4 also has a pushbutton function, which allows the user to press the curser key 4 to confirm a menu item that has been highlighted (Yamadera, paragraph [0042]). Since the pushbutton function achieves a different result than pressing the up, down, left, or right directions, using the pushbutton function must utilize a contact point separate and distinct from the four contact points corresponding to the up, down, left, and right directions. This implies a fifth contact point. This is the exact definition of a conventional three-dimensional navigation key. A two-dimensional navigation key does not include a fifth contact point.

Within the Response to Arguments section of the Office Action, the Examiner states that Yamadera does not disclose a cursor key having a fifth set of contacts. The Applicants contend that the fifth contact point is implied as discussed above. In general, the five contact points of a three-dimensional navigation key enable five distinct function to be selected from, one corresponding to each contact. The four contact points of a two-dimensional navigation key enables four distinct functions to be selected from. Although Yamadera does not explicitly define five contact points associated with the cursor key 4, Yamdera does explicitly define five distinct functions. These five functions include the four functions of moving the cursor up, down, left, right on the display screen to “select” (highlight) a menu item, and the fifth “pushbutton” function that allows the user to confirm a menu item that has been selected using the other four functions.

As such, Yamadera teaches a three-dimensional navigation key. Yamadera does not teach a two-dimensional navigation key with the related functionality of selecting one of a plurality of main menu items of the main menu and selecting a sub-menu item of the sub-menu associated with a selected main menu item, as claimed in the independent claim 1. For at least these reasons, the independent claim 1 is allowable over Yamadera. Claims 2-14 and 17 are dependent upon the independent claim 1. Accordingly, claims 2-14 and 17 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Claim 18 is directed to a menu-driven wireless telecommunications device comprising: a.) a display configured to selectively display one of a plurality of menus, including a main menu and a sub-menu; and b.) a two-dimensional navigation key configured to select one of a plurality of main menu items of the main menu and to select a sub-menu item of the sub-menu associated with a selected main menu item, wherein the device displays a plurality of sub-menu items. As discussed in detail above, Yamadera does not teach a two-dimensional navigation key configured to select a sub-menu item of the sub-menu associated with a selected main menu item.

For at least these reasons, the independent claim 18 is allowable over Yamadera. Claims 19-22 are dependent upon the independent claim 18. Accordingly, claims 19-22 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Claim 23 is directed to a menu-driven wireless telecommunications device comprising: a.) a display configured to selectively display one of a plurality of menus, including a main menu, a first sub-menu, and a second sub-menu; and b.) a two-dimensional navigation key configured to select one of a plurality of main menu items of the main menu, to select a first sub-menu item of the first sub-menu associated with a selected main menu item, and further to select a second sub-menu item of the second

sub-menu associated with the selected main menu item. As discussed above, Yamadera does not teach a two-dimensional navigation key configured to select one of a plurality of main menu items of the main menu, to select a first sub-menu item of the first sub-menu associated with a selected main menu item, and further to select a second sub-menu item of the second sub-menu associated with the selected main menu item.

For at least these reasons, the independent claim 23 is allowable over Yamadera. Claims 24-26 are dependent upon the independent claim 23. As discussed above, the independent claim 23 is allowable over Yamadera. Accordingly, claims 24-26 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Rejection Under 35 U.S.C. § 103

Claims 15 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamadera. Claim 15 is dependent on the independent claim 1. Claim 25 is dependent on the independent claim 23. As discussed in the previous section, the independent claims 1 and 23 are allowable over the teachings of Yamadera. Accordingly, claims 15 and 25 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamadera in view of U.S. Patent No. 6,463,304 to Smethers. Claim 16 is dependent on the independent claim 1. As discussed in the previous section, the independent claim 1 is allowable over the teachings of Yamadera. Accordingly, claim 16 is allowable as being dependent upon an allowable base claim, and is now in condition for allowance.

Conclusion

For the reasons given above, Applicants respectfully submit that the claims 1-26 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

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